HIGH COURT OF UTTARANCHAL AT-NAINITAL.

Writ Petition No. 1111(S/S)2005

Smt. Vimla Bahuguna W/o Sri J.R. Bahuguna,
R/o Near Ankur Gas Agency, Ashutosh Nagar,
Rishikesh, District Dehradun. ...Petitioner.

Vs.

1. State of Uttaranchal through Secretary,
   Education, Uttaranchal Sashan, Dehradun.
2. Director of Education,
   Uttaranchal, Dehradun,
3. District Education Officer,
   Tehri Garhwal, Narendra Nagar. ...Respondents.

Sri I.P. Gairola, learned counsel for the petitioner,
Learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri I.P. Gairola, learned counsel for the petitioner and learned Standing Counsel, who accepts notices for the respondents.

By means of this writ petition, the petitioner has challenged the order dated 22.07.2005 passed by District Education Officer, Tehri Garhwal, Narendra Nagar canceling the earlier transfer order dated 28.06.2005 which was passed transferring the petitioner from Prathamik Vidhyalaya Katal to Prathamik Vidhyalaya Chaudahbigha, Block Narendra Nagar, district Tehri Garhwal, who was serving as a Head Mistress in Primary School Katal, Block Narendra Nagar.

Submission of the petitioner is that since 09.12.1976, when she was appointed as Assistant Teacher in Primary School Khastal, she had been working in remote area and widely remote area (Durgam Kshetra & Ati Durgam Kshetra). Since 09.12.1976 to 01.03.1979 she had worked as Assistant Teacher,

Primary School Khastal Block Jakhanidhar, District Tehri Garhwal. For the period 02.03.1979 to 01.03.1989 she had worked as Assistant Teacher/Head Mistress at Primary School, Sabli Block Chamba, district Tehri Garhwal. During the period 01.03.1989 to 06.07.2005 she was working as Head Mistress at Primary School, Katal, Block Narendra Nagar, which falls under the category of widely remote are (Ati Durgam Kshetra). Vide order dated 28.06.2005, as many as 29 years having been served in remote areas as well as in widely remote areas, for the first time the petitioner was transferred to Chaudah Bigha which falls within the category of remote area and in pursuance of that transfer order she has joined as Head Mistress, Primary School, Chaudah Bigha on 08.07.2005. However, in pursuance of the Govt. order dated 28th June 2005, which was issued by the Govt. mainly with the spirit not to disturb the teachers who have attained the age of 58 years or more than 58 years, the transfer order in pursuance of which the petitioner has already joined, has been cancelled on 22nd July 2005 with the result that though she is more than 57 years old but she will have to serve again in widely remote area, even after serving for 29 years in the remote areas as well as in the widely remote areas. In case the person, who has been transferred vide order dated 28.06.2005 from Chaudah Bigha, Rishikesh, is more then 55 years old, then in that case the respondents should have considered the petitioner for her posting in some nearby school which could have been within the spirit of the Govt. Order, hence, the order passed by the District Education Officer is absolutely against the spirit of the Govt. order, so far as it relates to the petitioner.

Learned counsel for the petitioner has submitted that the petitioner has already moved her representation to the District Education Officer, Tehri Garhwal, Narendra Nagar on

26.07.2005 which is annexure no. 4 to the writ petition and the District Education Officer be directed to take decision on her representation at the earliest.

In the circumstances narrated above I find it a fit case where a direction should be issued to the District Education Officer to take decision on the representation of the petitioner at the earliest.

Accordingly the writ petition is disposed of with the direction to the District Education Officer, Tehri Garhwal, Narendra Nagar to take decision on the representation of the petitioner within a period of two weeks from the date of receipt of a certified copy of this order alongwith the copy of her representation dated 26.07.2005. Till the decision is taken by the District Education Officer on the representation of the petitioner, she shall not be relieved from Primary School, Chaudah Bigha, Rishikesh, provided she has yet not relieved from the School.

With this direction, the writ petition id finally disposed of.

(M.M. Ghildiyal, J.)

August 5, 2005:
NCM: